

B.A.

SUBJECT: Confirmation of Verbal Authorization for the CERCLA Removal Action at the
Riverside Avenue Site, Newark, Essex County, NJ

ACTION MEMORANDUM

FROM: Michael Ferriola, On-Scene Coordinator
Response and Prevention Branch

TO: Richard L. Caspe, Director
Emergency and Remedial Response Division

THRU: Bruce Sprague, Chief
Response and Prevention Branch

Site ID: PC
CERCLIS NO. NJSFN0204232

I. PURPOSE

The purpose of this Action Memorandum is to confirm and document the verbal authorization granted by Richard L. Caspe, Director, Emergency and Remedial Response Division on December 3, 1999, to conduct the time-critical removal action described herein at the Riverside Avenue Site, Newark, Essex County, New Jersey.

On December 1, 1999, the U.S. Environmental Protection Agency (EPA), received a verbal request from the New Jersey Department of Environmental Protection (NJDEP), to perform a time-critical removal action at the Riverside Avenue Site, under the provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. §§ 9601 et seq.

On December 2, 1999, EPA conducted a removal assessment and determined that the Site met the criteria for the performance of a removal action. As a result of this assessment, verbal authorization to proceed was received on December 3, 1999.

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FERRIOLA	DALOIA	SPRAGUE	BERMAN	KARLEN	MCCABE	CASPE

This Action Memorandum provides for securing, sampling, analyzing, bulking, transporting, and disposing of all hazardous wastes and substances identified to be present in the containers found in an abandoned trailer located at 29 Riverside Avenue, Newark, Essex County, New Jersey.

The Site is not on the National Priorities List (NPL) and there are no nationally significant or precedent-setting issues associated with this removal action.

II SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

On November 23, 1999, an abandoned trailer was discovered in an industrial park located at 29 Riverside Avenue, Newark, New Jersey, by a NJDEP inspector. NJDEP initiated a response at that time due to the discovery of severely corroded drums within the trailer. On November 29, 1999, NJDEP activated their emergency response contractor to stabilize the Site. Each of the drums were removed from the abandoned trailer and placed into overpack drums. An estimated 160 drums were discovered and overpacked by the contractor and staged adjacent to an abandoned building in the Riverside Avenue Industrial Park. This is an active industrial park, utilized by six (6) active chemical manufacturing facilities, one business in the process of cleaning and restoring a building to operation, and several abandoned buildings which are owned by the City of Newark.

On December 1, 1999, the Criminal Justice Division of NJDEP arrived at the Site and collected samples from some of the overpacked drums. These samples are to be part of their investigation into the identity of the waste chemicals and into the location of the owner of the abandoned chemicals. Their investigation is being conducted simultaneously with EPA's activities at the Site.

On December 2, 1999, at the request of NJDEP, EPA met with NJDEP on site to conduct a preliminary assessment and gather background information. Verbal access to the Site was obtained from the City of Newark. The City of Newark has foreclosed on the piece of property where the drums were staged. The drums were found to be staged outdoors, neatly grouped in an area of the industrial park adjacent to the Passaic River. There were no berms or swales near the drum storage area and the area was highly trafficked. Through discussion with the NJDEP representative, it was determined that approximately 50 of the drums had been hazard categorized (hazcatted) on site by NJDEP and found to contain corrosives, flammable liquids, oxidizers and several other named compounds (i.e. hydrofluoric acid, sulfonic acid, tetra aldehyde, dichloro-amino-benzothiazole, and hydropyran).

The EPA removal assessment on December 2, 1999, determined that the Site met the criteria for a removal action. The materials contained hazardous substances, in some cases extremely hazardous and reactive materials (i.e., hydrofluoric acid), located directly adjacent to the Passaic River in an area that experiences daily high vehicular truck traffic. In addition, there was evidence of vandalism in some of the abandoned buildings on the Site. This vandalism is occurring even though the property is protected by a guard service from the hours of 6PM to 6AM, and 24 hours on the weekend.

The State representatives, as well as the tenants of the industrial park, made it clear that it was impossible to keep vandals from entering the Site.

2. Physical Location

The Site is adjacent to Route 21 in Newark, New Jersey at the intersection of Riverside Avenue and Chester Street. The abandoned trailer was found in an industrial park at this location which encompasses several abandoned buildings, six (6) active facilities (Chemical Compounds, Haba/Davion, ROLOC, IFC, Ardmere, Inc., and Federal Refining), one (1) business that has recently closed their operations at the Site (Frye Industries) and one (1) business (Samax) in the process of cleaning and restoring a building to operating conditions.

The property is fenced on three sides and borders the Passaic River on the east. The fences were found to be in good condition, however, unlimited access to the Site exists during the day when the front gate is open and there is no security service. A railroad line delineates the property's western border, just outside the fence line. The surrounding area consists of industrial and residential buildings, with the nearest residences located within one block of the industrial park.

3. Site Characteristics

The industrial park is several acres in size and was formerly owned by Pittsburgh Plate Glass (PPG). The industrial park is zoned for use by the chemical industry and has undergone several changes in ownership since it was sold by PPG in 1976-1977. It is not known how or when the abandoned trailer arrived at the 29 Riverside Avenue Site. Interviews with the owners of the operating facilities indicate that the trailer has been at the Site for at least five, and perhaps as many as ten years. Two other box trailers were also found near the abandoned trailer on the property, however, these trailers were claimed by two of the current tenants of the industrial park. The containers found in the abandoned trailer consisted of : (100) 55-gallon drums; (8) 42- gallon drums; (14) 30-gallon drums; (28) 10-gallon drums; and (10) 5-gallon drums. All drums were either steel, fiber or poly and all drums had been placed in salvage drums by NJDEP. Hazcatting results showed that the materials in the trailer were hazardous, and in certain cases, extremely hazardous, and these were found to be in solid, gel or liquid form.

4. **Release or Threatened Release Into the Environment of a Hazardous Substance, or Pollutant or Contaminant**

Hazard categorization (hazcatting) of the substances on site allowed the materials to be grouped by category. The following is a listing of the identified waste streams (by hazcatting and laboratory confirmation analyses) and their potential health and toxicological effects.

The target areas of potential toxicological effects are as follows:

- 1 - Eye, Skin, Mucous Membrane irritation
- 2 - Respiratory System
- 3 - Cardiovascular System
- 4 - Liver Damage
- 5 - Kidney Damage
- 6 - Central Nervous System
- 7 - Blood
- 8 - Carcinogenic*
- 9 - Mutagenic *
- 10 - Teratogenic*

* if chemicals revealed any evidence of these effects, i.e., suspected vs. confirmed, that effect was noted.

<u>Category Identified</u>	<u>Potential Health and Toxicological Effects</u>
1. Hazardous Waste Solids D008 (Lead)	1, 5, 6, 7, 10
2. Caustic Flammable Liquids D001 - Ignitable Liquids D002 - Corrosive Liquids	1,2,3 1,2,3
3. Flammable Organic Liquids D001 - Ignitable Liquids D018 - Benzene	1,2,3 1,2,3,4,6,7,8
4. Acid Liquids D002 - Corrosive Liquids D008 - Lead	1,2,3 1,5,6,7,10

5. Chromic Acid Solids

D001 - Oxidizer Solids

D007 - Chromium

1,2

D008 - Lead

1,5,6,7,10

6. Hazardous Waste Liquids

D009 - Mercury

1,2,4,5,6,9,10

D018 - Benzene

1,2,3,4,6,7,8

7. Flammable Liquids

D001 - Ignitable Liquid

1,2,3

D043 - Vinyl Chloride

1,3,4,6,7,8,9,10

8. Hydrofluoric Acid

1,2,3,6

D001 - Ignitable Liquid

D002 - Corrosive Liquid

9. Organic Peroxide

1,2,3,6

Statutory Source for Designation as a Hazardous Substance

All the RCRA designated hazardous wastes are being disposed of under the authority of RCRA Part 3001 (as defined in 40 CFR Part 261.23).

5. NPL Status

The Site is not on the National Priorities List (NPL), nor is it expected to be listed on the NPL.

B. Other Actions to Date

1. Previous Actions

Verbal authorization to conduct a removal action at this site was granted by the ER RD Director on December 3, 1999. A delivery order was issued to the Emergency and Rapid Response Services (ERRS) contractor on December 10, 1999, and work began that same day. Drum sampling and hazard categorization was initiated on December 11, 1999. All of the drums (~160) were sampled from December 11 - 13, 1999. The On-Scene Coordinator (OSC) and a member from EPA's Division of Environmental Science and Assessment (DESA) performed all of the drum documentation.

OSCs and DESA performed hazard categorization (hazcatting) at the EPA Edison laboratory. The drum data and hazcatt results were entered into the ERTC DrumTrack program as an aid in developing compatible waste groups for disposal analysis. All the of the materials were subsequently grouped into the compatible waste streams listed in Section 4 of this memorandum. Laboratory disposal analysis was received on January 26, 2000, and disposal bids were promptly solicited by the ERRS. The bids were subsequently reviewed by the OSCs, and RCRA TSDFs were selected for off-site disposal. Off-site transportation and disposal was completed on March 2, 2000. All hazardous wastes and substances were transported to RCRA TSDFs in compliance with the CERCLA Off-Site Disposal Rule.

As part of the enforcement strategy to identify or determine PRPs, EPA interviewed the managers of all operating facilities in the industrial park. In addition, EPA visited a former tenant at their new location to obtain additional information about activities at the Site.

2. Current Actions

At present, on-site activities have been completed. The bulked waste streams were shipped for incineration, waste water treatment and/or fuel blending. Executed manifests and Certificates of Destruction/Disposal are currently pending. Since all drums have been shipped off site, no further action as part of this removal action, with the exception of enforcement actions, are expected. The removal action will be officially completed upon receipt of executed manifests from the RCRA TSDFs.

C. State and Local Authorities Role

1. State and Local Actions to Date

As mentioned above, this Site was referred to EPA by NJDEP after they had begun a response and removal at the Site and then encountered funding problems. EPA was given copies of all sampling and analysis performed by NJDEP when the Site was referred on December 2, 1999.

The City of Newark, Office of Emergency Management has given assistance and support to EPA since the removal was undertaken. They provided site access and background information on activities at the Site. In addition, EPA used one of the Site's empty buildings belonging to the City of Newark for temporary drum storage.

2. Potential for Continued State and Local Response

The Criminal Justice Division of NJDEP has an on-going investigation centered on locating the owner(s) of the abandoned materials. EPA has also conducted an investigation towards the same end and any information either group receives, as to the viability of a potential PRP, will be shared.

The State and local governments did not have the resources to conduct the required cleanup actions at this Site. However, both organizations supported EPA during this removal action.

III Threat To Public Health or Welfare of The Environment and The Statutory and Regulatory Authorities

The conditions at the Site meet the criteria for a CERCLA removal action as described in 40 CFR 300.4125(b)(2) of the NCP. Factors that support conducting a removal action at the Site include:

- (i) actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substance, or pollutants, or contaminants;
- (ii) hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;
- (iii) the threat of fire or explosion;
- (iv) actual or potential contamination of drinking water supplies or sensitive ecosystems;
- (v) the inability of other appropriate Federal or State response mechanisms to respond to the release.

A. Threats to the Public Health or Welfare

Although all drums were overpacked by the NJDEP, the rusted and leaking containers from the abandoned trailer posed a threat to the public health or welfare in several ways. Since the area in which they were staged is so heavily trafficked, it was likely that a truck or other vehicle could come in contact with one or more of the drums, breaching the outside shell and causing the contents to be released. In addition, since the materials are highly toxic, corrosive and ignitable, the people working in the area would be at risk, as well as residents in the homes nearby. Lastly, since access to the property is unrestricted during the day and, despite the efforts of the guards, the property is accessible at night. There also existed the potential for direct human contact with the hazardous wastes and substances abandoned at the Site, from either fire or vandalism.

B. Threats to the Environment

The drums were stored in a location which was within 50 feet of the Passaic River. Any release from the staged drums or any action which would cause the drums to shift (vehicular traffic, extreme weather conditions), would have resulted in the containers being released directly into the river. In addition, if flooding had occurred, the drums might possibly have been washed into the river.

IV. Endangerment Determination

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V Proposed Actions and Estimated Costs

A. Proposed Actions

1. Proposed Action Description

The scope of work required to mitigate the threats associated with the Site have included the sampling and analyses of the materials present. Once the hazardous characteristics were known, and compatible materials were grouped, the materials were bulked and prepared for off-site shipment and disposal. RCRA Treatment Storage and Disposal Facility (TSDF) were selected in accordance with the CERCLA Off-Site Disposal Rule. On March 2, 2000, all hazardous wastes and substances were transported off-site for ultimate disposal.

2. Contribution to Remedial Performance

It is felt that EPA's removal action has eliminated the immediate public health and environmental threats posed by the hazardous wastes and substances at the Site. Long-term remedial measures are not anticipated at the Site at this time.

3. Description of Alternative Technologies

Alternative technologies will be considered to the extent that they prove to be cost effective, efficient and consistent with the NCP.

4. Engineering Evaluation/Cost Analysis (EE/CA)

Due to the time critical nature of this removal, an EE/CA will not be prepared.

5. Applicable or Relevant and Appropriate Requirements (ARARs)

ARARs, within the scope of this removal action, which pertain to the transportation and disposal of hazardous waste, will be attained to the extent practicable.

6. Project Schedule and Estimated Costs

The proposed action description was initiated on December 10, 1999, with the activation of the ERRS contractor. On-site work was completed on March 2, 2000, with the off-site transportation and disposal of 153 various size containers (*i.e.*, 85/55/35 gallon drums and cubic yard boxes). Upon receipt of executed manifests from the various RCRA TSDFs, the removal action will be officially completed.

B. Estimated Costs

A summary of the funding required for this action is presented below.

Extramural Costs:

Regional Allowance Costs (ERRS)	\$ 150,000
Other Extramural Costs (START)	\$ -0-
TOTAL EXTRAMURAL COSTS	\$ 150,000

Intramural Costs:

Intramural Direct Costs	\$ 18,000
Intramural Direct Costs	\$ 42,000
TOTAL INTRAMURAL COSTS	\$ 60,000
TOTAL EXTRAMURAL & INTRAMURAL COSTS	\$ 210,000
CONTINGENCY (20% of Total Extra/Intramural costs rounded to nearest thousand)	\$ 40,000
TOTAL REMOVAL PROJECT CEILING	\$ 250,000

VI. Expected Change In The Situation Should Action Be Delayed Or Not Taken

The conditions at this Site, if not addressed by the execution of these actions immediately, would have presented an imminent and substantial endangerment to the public through their potential exposure to hazardous wastes and substances on the Site.

VII. Outstanding Policy Issues

There are no outstanding policy issues associated with this removal action.

VIII Enforcement Issues

The party responsible for the abandonment and/or ownership of the hazardous substances found on-site is unknown, but the investigation continues. If Potentially Responsible Parties (PRPs) are discovered, appropriate enforcement activities will be pursued in coordination with the NJDEP's Division of Criminal Justice and EPA's Office of Regional Counsel under a cost recovery action.

IX Recommendation

This decision document represents confirmation of verbal authorization for the selected removal action at the Riverside Avenue, Newark, Essex County, New Jersey site, developed in accordance with the CERCLA as amended and consistent with the NCP. This decision is based on the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415 (b) (2) criteria for a Removal Action.

This Action Memorandum will confirm the verbal authorization of December 3, 1999, from Richard L. Caspe, Director, Emergency and Remedial Response Division, for a total project ceiling of \$250,000, of which \$150,000 was from the FY-2000 Advice of Allowance.

This Action Memorandum, if approved, will authorize a total project ceiling of \$250,000. Please confirm your approval of the authorization of funding for the Riverside Avenue Site, as per the current delegation of authority by signing below.

Approved: _____ Date: _____

Richard L. Caspe, Director
Emergency and Remedial Response Division

Disapproved: _____ Date: _____

Richard L. Caspe, Director
Emergency and Remedial Response Division

cc: (after approval is obtained)

R. Caspe, 2ERRD
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